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8 IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
9 SAN FRANCISCO DIVISION  
10

11 UNITED STATES OF AMERICA,	)	CASE NO. CR 08-00236 MMC
	)	
12 Plaintiff,	)	<b>STIPULATED MOTION TO VACATE</b>
	)	<b>NOVEMBER 20, 2013 STATUS</b>
13 v.	)	<b>CONFERENCE; [<del>PROPOSED</del>] ORDER</b>
	)	
14 LUKE D. BRUGNARA,	)	Date: <del>November 20, 2013</del>
	)	Time/Place: 2:15 p.m./Courtroom 7
15 Defendant.	)	
	)	

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16  
17 Defendant, LUKE D. BRUGNARA, represented by Assistant Federal Public Defender  
18 Brandon LeBlanc, and plaintiff, represented by Assistant United States Attorney Cynthia Stier,  
19 respectfully move the Court to vacate the status conference now scheduled for November 20,  
20 2013, at 2:15 p.m. The reason for this request is as follows:

21 On Wednesday, October 16, 2013, Mr. Brugnara made his initial appearance before this  
22 Court with regard to a pending Form 12 petition alleging certain violations of the terms and  
23 conditions of his supervised release. *See* Docket Entry No. 128. During those proceedings, the  
24 parties informed this Court that diligent efforts were underway to globally resolve the Form 12  
25 petition, which was simultaneously pending before this Court as well as before District Judge  
26 Alsop in case number CR 08-00222 WHA. At the conclusion of the hearing, wherein this Court

1 indicated that the proceedings before this Court should trail the proceedings in Judge Alsup's  
2 Court, the Court set a further status date of November 20, 2013. *See* Docket Entry No. 138.

3 On Tuesday, October 22, 2013, the parties appeared before District Judge Alsup and  
4 globally resolved the pending Form 12. *See* Docket Entry No. 230 (in CR 08-00222 WHA).  
5 Specifically, before District Judge Alsup, Mr. Brugnara admitted to allegations three (3) and four  
6 (4) within the pending Form 12, and the government subsequently moved to dismiss allegations  
7 one (1), two (2), and five (5). *Id.* Mr. Brugnara also forfeited to the United States the firearm  
8 that was seized during the search of his residence on April 5, 2013. *Id.* Thereafter, Judge Alsup  
9 revoked Mr. Brugnara's supervised release and, pursuant to the parties' joint recommendation,  
10 continued him on a further supervised release term of 364 days. *Id.* The parties additionally  
11 requested a status date in six months before Judge Alsup, with the express expectation that if Mr.  
12 Brugnara satisfactorily complies with the terms of his supervised release during the next six  
13 months, the parties would jointly recommend to Judge Alsup at that time that Mr. Brugnara's  
14 remaining term of supervised release be terminated. *Id.* Judge Alsup granted the parties request  
15 and set a status date of April 22, 2014. *Id.*

16 Accordingly, in light of this Court's directive that if the parties reached a global resolution  
17 before Judge Alsup in case CR 08-00222 WHA – which has now occurred – the parties would  
18 not need to return to this Court for further proceedings, the parties respectfully request that this  
19 Court take judicial notice of the now-resolved Form 12 petition and vacate the status currently  
20 scheduled for November 20, 2013. In taking judicial notice of the now-resolved Form 12  
21 petition without any further court proceedings, Mr. Brugnara's supervision release period with  
22 this Court would immediately expire and Mr. Brugnara would no longer be subject to supervision  
23 in this matter. These are the parties jointly-made requests to the Court – otherwise, the parties  
24 are fully prepared to appear before the Court, as directed, on November 20, 2013, for further  
25 proceedings.

26 //

1 Finally, United States Probation Officer Jennifer James has been contacted regarding this  
2 issue and has no objection to the removal of this matter from the Court's November 20, 2013  
3 calendar.

4 Dated: October 29, 2013

Respectfully submitted,

5  
6 /s  
BRANDON M. LeBLANC  
Assistant Federal Public Defender

7  
8 IT IS SO STIPULATED.

9 Dated: October 29, 2013

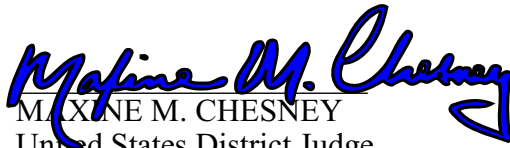
10 /s  
CYNTHIA STIER  
Assistant United States Attorney

11  
12  
13  
14  
15 **~~PROPOSED~~ ORDER**

16 Based upon the representations of counsel and for good cause shown, the Court takes  
17 judicial notice of the pending Form 12 petition at Docket Entry No. 128 and VACATES the  
18 status conference currently scheduled for November 20, 2013, at 2:15 p.m. before this Court.  
19 Accordingly, Mr. Brugnara's supervised release term has expired with this Court and he is no  
20 longer subject to supervision in this matter.

21 IT IS SO ORDERED.

22  
23 Dated: October 30, 2013

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MAXINE M. CHESNEY  
United States District Judge